

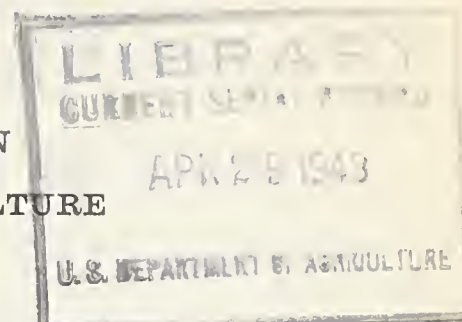
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MARCH 19, 1943

FOOD DISTRIBUTION ADMINISTRATION  
UNITED STATES DEPARTMENT OF AGRICULTURE



[FDO 31]

## PART 1460—FATS AND OILS

## RESTRICTIONS ON USE, PROCESSING, CONSUMPTION, AND DELIVERY OF OITICICA OIL

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of oiticica oil to meet war and essential civilian needs, *It is hereby ordered.* As follows:

§ 1460.6 *Delivery, use and distribution of oiticica oil; restricted*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "oiticica oil" means that oil obtained from the oiticica nut, commonly known as oiticica oil and includes cacahuananche oil from the cacahuananche nut, and laceta oil from the laceta nut and other similar types of oil obtained from other oil bearing nuts or seeds, whether crude (solid) or refined (liquefied), but not including any quick bodying (QB) oil.

(2) The term "person" means any individual, partnership, corporation, association, or other business entity.

(3) The term "producer" means any person engaged in the production of oiticica oil and includes any person who has oiticica oil produced for him pursuant to toll agreement.

(4) The term "distributor" means any person who has purchased or purchases oiticica oil for purposes of resale.

(5) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on delivery, use, and processing.* (1) No person shall accept delivery of, use, or process oiticica oil except as specifically authorized or directed by the Director.

(2) Authorizations or directions with respect to deliveries, use, and processing in each calendar month will, so far as practicable, be issued by the Director prior to the commencement of such month, but the Director may at any time at his discretion, and notwithstanding the provisions of paragraphs (c) and (d) hereof, issue directions with respect to deliveries to be made or accepted or with respect to the use or uses which

may or more not be made of oiticica oil to be delivered or then on hand. He may also at any time issue directions to producers with respect to the grade of oiticica oil which they may manufacture.

(3) Each person specifically authorized to accept delivery of oiticica oil shall use such oil for the purposes authorized and only for such purposes, except as otherwise specifically directed by the Director.

(4) Oiticica oil allocated for inventories shall not be used or processed except as specifically directed by the Director. Oiticica oil allocated: (i) To fill a specified order, or (ii) To be used for a specified end use during a specified month, shall revert to inventories where and to the extent that the oil so allocated is not used for the specific order or the specific end use.

(c) *Exceptions to requirements for specific authorization.* Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorizations by the Director shall not be required for:

(1) Acceptance of delivery, use, or processing by any person in any one calendar month of 40 pounds or less of oiticica oil in the aggregate.

(2) Refining or liquefying any quantity of oiticica oil by any person but not to manufacture any quick-bodying or other processed oil, without regard to quantity.

(3) Delivery of oiticica oil by any producer or distributor to any person who shall have filed with him an authorization signed by the Director authorizing such person to accept delivery of oiticica oil in the quantity and in the period in which delivery is made.

(d) *Exceptions for small orders.* Notwithstanding the provisions of paragraph (b) (1) hereof, specific authorization by the Director shall not be required for deliveries set forth in this paragraph (d), but no producer shall make deliveries described in this paragraph without a specific authorization of the Director to make deliveries of a specific maximum quantity under this paragraph each month. Deliveries of quantities in excess of this maximum may not be made without further authorization of the Director. The application for authorization to make such delivery shall specify the maximum quantity requested for each type of delivery. The provisions of this paragraph apply to the delivery of oiticica oil by any producer or distributor to any person who

shall have filed with him a certificate in substantially the following form:

The undersigned purchaser hereby certifies to the United States Department of Agriculture Food Distribution Administration and to his supplier that the oiticica oil hereby ordered for delivery in \_\_\_\_\_, 1943, does not, taken with all other oiticica oil delivered or to be delivered in such month, exceed 40 lbs., the amount which he is entitled to receive under paragraph (c) (1) of Food Distribution Order No. 31.

-----  
Name of Purchaser  
By-----  
Authorized Official  
-----  
Title

-----  
Date

Such certificate shall be signed by an authorized official of the purchaser. The receipt of such certificate shall not authorize the delivery of oiticica oil by a producer or distributor where he knows or has reason to believe the same to be false, but in the absence of such knowledge or belief, he may rely on the certificate.

(e) *Applications for delivery, use, or processing.* (1) Each person requiring authorization to accept delivery of, use, or process oiticica oil during any calendar month, beginning with April 1943 (including a person seeking authorization to accept the delivery of oiticica oil for resale), shall file application therefor on or before the 15th day of the month preceding the month for which authorization for delivery, use, or processing is requested. Application for acceptance of delivery, use, or processing in April 1943 shall be filed as many days as possible in advance of the requested delivery, use, or processing. In any case, such application shall be made on War Production Board Form PD-600, or such other form or forms as may be prescribed by the Director. Forms may be obtained at local field offices of the War Production Board or Regional Offices of the Food Distribution Administration, United States Department of Agriculture. Five copies shall be prepared, of which four shall be forwarded to the Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-31, the fifth to be retained for applicant's files. For the purposes of this order, if War Production Board Form PD-600 is used, it shall be completed in the manner prescribed



therein, subject to the following special instructions:

(i) In the heading, under the name of chemical, specify "oiticica oil"; under WPB Order No. specify "FD-31"; under unit of measure specify "pounds, dry weight"; in the heading of Table I insert in the blank the month and year for which authorization for acceptance of delivery, use, or processing is sought.

(ii) In the space under "supplier with whom this order is placed", state name of usual supplier and list his shipping point. If application is for authority to use, consume, or process oil from own inventory, leave these spaces blank.

(iii) In Columns 1 and 11, indicate grade in terms of the following: crude (solid) or refined (liquefied). If same grade of oil is required for more than one "primary product", or for the same "primary product" for more than one ultimate use, include quantity of grade applicable to each "primary product" or ultimate use.

(iv) In columns 3, 20, and 22, specify your primary product in terms of the following: protective coating, core oil, electrical insulation, syntnetic resins, food container linings, others (specify).

(v) In Column 4 specify ultimate use of product (as for example "airplane engine castings" as opposed to "core oil", and "bomb linings" as opposed to "protective coatings" or "synthetic resins", each of which may be made of the primary product called for in Columns 3, 20, and 22); and also specify in each case whether your customer is Army Navy, or other Government agency, Lend-Lease, or commercial customer, and give Government specification number, if any. If the application is for oiticica oil for resale or for inventory (as oiticica oil), leave Column 4 blank.

In each case where the application for authorization to use or process oiticica oil is granted, one copy signed by the Director shall be returned to the applicant; and where the application is also for authorization to accept delivery, a second copy, also signed by the Director, shall be sent to the applicant so that applicant may furnish same to the supplier selected by him.

(2) Each producer of oiticica oil shall file War Production Board Form PD-601, or such other form or forms as may be prescribed by the Director, on or before the 15th of each month, beginning with April 1943. Forms may be obtained at local field offices of the War Production Board or Regional Offices of Food Distribution Administration, United States Department of Agriculture. Four copies shall be prepared of which three shall be forwarded to the Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-31, the fourth to be retained in applicant's file. For the purposes of this order, if War Production Board Form PD-601 is used, it shall be completed in the manner prescribed therein, subject to the following special instructions:

(i) In the heading, under the name of chemical, specify "oiticica oil"; under WPB Order No. specify "FD-31"; under unit of measure specify "pounds", "dry weight"; in the heading "This schedule

is for deliveries to be made during the month of -----, 194--", strike out the words "to be", and insert in the blank the month preceding the month in which form is filed and also indicate year;

(ii) Insert in Column 1 the words "total small order deliveries last month" and in Column 4 specify the total quantity of oiticica oil delivered by applicant in such last month pursuant to paragraphs (c) (1) and (d) hereof. In other respects Table I may, at the applicant's discretion, be left blank;

(iii) In Column 8 specify grades produced in terms of grades included in paragraph (e) (1) (iii) hereof;

(iv) In Column 9 show actual production during preceding month;

(v) In Column 10 show actual deliveries during preceding month;

(vi) In Column 11 show stocks as of first of preceding month;

(vii) In Column 12 show stocks as of first of current month;

(viii) Leave blank Columns 13-16, inclusive;

(ix) In addition to the foregoing, each producer who is a crusher of oiticica nuts, cacahauananche nuts, laceta nuts and other nuts or seeds of similar types, shall strike out the heading of Columns 15 and 16 and insert in these Columns and in the margin; (a) Quantity of nuts received during preceding month; (b) Quantity of nuts crushed during preceding month; and (c) Quantity of nuts on hand at end of preceding month.

(3) The Director may issue other and further directions with respect to preparing and filing forms.

(f) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe.

(g) *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Notification of customers.* Each supplier shall notify his regular customers as soon as possible of the requirements of this order, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(i) *Existing contracts.* The restrictions of this order concerning delivery, acceptance, use, processing, and consumption of oiticica oil shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(j) *Intra-company deliveries.* The prohibitions and restrictions of this order with respect to deliveries of oiticica oil shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also deliveries from one

branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(k) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections, at all reasonable times, of his stocks of oiticica oil and premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(1) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of relief sought. The Director may thereupon take such action as he deems appropriate and such action shall be final.

(m) *Violations.* Any person who wilfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or wilfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under section 35a of the Criminal Code (18 U. S. C. 1940 ed. 80), under paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(n) *Communications to the Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C., Ref: FD-31.

(o) *General Preference Order M-238 superseded.* This order supersedes in all respects General Preference Order M-238 (7 F.R. 7940) of the War Production Board, except that as to violations of said order or rights accrued, liabilities incurred, or appeals taken under said order prior to the effective date hereof, said General Preference Order shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said General Preference Order shall be considered under subparagraph (1) hereof.

(p) *Territorial extent.* This order applies to all persons in the United States, its Territories and Possessions, and the District of Columbia.

(q) *Effective date.* This order shall be effective on March 24, 1943, as of 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179)

Issued this 19th day of March 1943.

[SEAL] PAUL H. APPLEBY,  
Acting Secretary of Agriculture.



Press Release—Immediate:  
Monday, March 22, 1943.

Control over the American supplies of the oil of three foreign tree nuts—oils important in war production—is provided under Food Distribution Order No. 31 announced today by the Secretary of Agriculture to supersede War Production Board Order M-238.

The revised order places cacahuananche oil and laceta oil, which are produced from Mexican tree nuts, under the same allocation control as oiticica nut oil. Previous Order M-238 covered only oiticica oil, which is imported from Brazil and is scarce because of the almost com-

plete failure of the Brazilian crop. Cacahuananche and laceta oils are similar to oiticica oil, in that they are fast-drying.

Under the order, which is effective March 24, special authorization must be obtained from the Director of Food Distribution to process, deliver, or use the oils.

The demands of American war industries for fast-drying oils spurred a search in Mexican and Central American forests for nuts of the Oiticica type. Several varieties of the cacahuananche nut and the laceta nuts have been found in Mexico.

Imports of these oils probably will be small and the entire quantity will be needed to meet military and civilian requirements. Because of their resistance to corrosion—oiticica and similar oils are used in protective coatings for use on military and naval equipment, electrical insulation, and for food container linings.

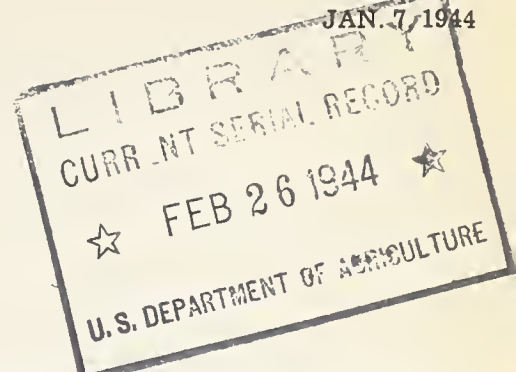
Applications for authority to use, process, deliver or accept delivery of oiticica, cacahuananche, and laceta oils may be made hereafter on WPB Form PD-600 and filed with the Director of Food Distribution, Department of Agriculture, Washington, D. C.



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FDO 31

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JAN. 7, 1944



## WAR FOOD ADMINISTRATION

[FDO 31, Amdt. 1]

### PART 1460—FATS AND OILS

#### RESTRICTIONS ON USE, PROCESSING, CONSUMPTION AND DELIVERY OF OITICICA OIL

Food Distribution Order No. 31 (8 F.R. 3471), § 1460.6, issued by the Acting Secretary of Agriculture on the 19th day of March, 1943, is amended as follows:

By inserting after the end of paragraph (q) thereof the following:

(r) *Temporary suspension of paragraphs (b), (c), and (d).* The restrictions and provisions of paragraphs (b), (c), and (d), of this order, shall not apply to the delivery, acceptance of delivery, use, processing, or blending of oiticica oil by any person when such delivery, acceptance of delivery, use, processing, or blending occurs in the period beginning January 1, 1944 and ending on June 30, 1944.

(s) *Additional reporting requirements.* (1) Every person, except a wholesale or retail distributor, who accepts delivery of, uses, processes, or blends 1,000 pounds or more of oiticica oil in any month after January 1, 1944, shall, on or before the 15th day of the month succeeding the month in which such acceptance of delivery, use, processing, or blending occurs, properly fill out and file Census Form BM 1, with the Bureau of the Census, Washington 25, D. C. Such form shall be obtained from the Bureau of the Census. Nothing herein shall be construed as requiring any person to file more than one Form BM 1 for any month.

(2) Every person, except a wholesale or retail distributor, who accepts delivery of, uses, processes, or blends 3,000 pounds or more of oiticica oil in any calendar quarter hereafter, beginning with

the calendar quarter which commences on January 1, 1944, shall, on or before the 15th day of the second month succeeding the end of the calendar quarter in which such acceptance of delivery, use, processing, or blending occurs, properly fill out and file Census Form BM 2, with the Bureau of the Census, Washington 25, D. C. Such forms shall be obtained from the Bureau of the Census. Nothing herein shall be construed as requiring any person to file more than one Form BM 2 for any quarter.

(t) *Further restrictions on delivery and acceptance of delivery.* After the time for filing any report required by paragraph (s) hereof has expired, no person who is required by the provisions of said paragraph (s) to file such a report or reports shall accept delivery of oiticica oil unless he has properly filed the required report or reports and, in connection with each acceptance of delivery of oiticica oil by him, has properly filled out and delivered to the person making delivery of the oiticica oil, within 30 days prior to the date of delivery, a certificate in the following form:

The undersigned hereby certifies to the Food Distribution Administration, War Food Administration, and \_\_\_\_\_

(supplier)

that this certificate is given in connection with the acceptance of delivery by the undersigned of \_\_\_\_\_ pounds of oiticica oil to be delivered by said supplier to the undersigned in \_\_\_\_\_

(month)

194... and that, on the date hereof, the undersigned has complied with the reporting provisions of paragraph (s) of Food Distribution Order No. 31, as amended.

(Deliverer)

By: \_\_\_\_\_  
(Authorized Official)

(Date)

No person shall deliver oiticica oil to any other person without receiving the certificate provided for in this paragraph when he knows or has reason to believe that the person accepting delivery of the oiticica oil involved is required by the terms hereof to give such a certificate, and no person shall deliver oiticica oil pursuant to a certificate given hereunder when he knows, or has reason to believe, that such certificate is false, but, in the absence of such knowledge or reason for belief, he may rely on the certificate. All certificates given hereunder shall be retained by the persons receiving them for, at least, two years or for such other periods of time as the Director may hereafter specify.

(u) *Additional approval by Bureau of the Budget.* The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(v) *Effective date.* This amendment shall become effective on the 1st day of January 1944, at 12:01 a. m., e. w. t. However, with respect to violations of Food Distribution Order 31, rights accrued, or liabilities incurred thereunder, prior to said date, said Food Distribution Order 31 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 7th day of January 1944.

ASHLEY SELLERS,  
Assistant War Food Administrator.

Because of favorable prospects for the Brazilian oiticica nut crop, the War Food Administration has suspended restrictions on the use and delivery of oiticica oil until June 30, 1944.

Shipments of the new crop will not arrive in the United States until about March, but crop reports, improved shipping conditions and present satisfactory inventories all point to a bettered supply

situation. This will make possible the expansion of oiticica oil for use in the production of civilian goods.

Produced from a Brazilian tree nut, the use of oiticica oil in quick-drying and water resistant finishes has been confined to military uses since January 1943 because supplies of it were inadequate to meet all needs. Manufacturers of non-essential civilian products have used lin-

seed oil and castor oil substitutes instead. Essential uses have included corrosion resisting coatings for airplanes, guns, ships, electrical insulation, food containers, and other war materials.

Removal of restrictions on civilian use was effected by Amendment 1 to Food Distribution Order 31, the order which placed oiticica oil under allocation control. The amendment, which became ef-



fective January 1, 1944, suspends the provisions applying to use and delivery during the period from January 1 through June 30, 1944. During this period, manufacturers may use the oil for any purpose subject only to the limits prescribed in FDO 42 for the use of fats and oils generally.

If the supply of oiticica oil continues to improve as expected, a further extension on July 1, 1944 is possible.

WFA said that all applications for allocation of oiticica oil for January 1944 use have been processed and returned to the industry, but emphasized that there

will be no limitations on use or delivery of the oil under FDO 31 after the effective date of the amendment. Further applications, therefore, need not be filed for January through June, 1944.

The amendment requires, however, that manufacturers using more than 1,000 pounds of oiticica oil per month certify to suppliers with each purchase that they have reported their previous consumption to the Bureau of the Census, Washington 25, D. C.

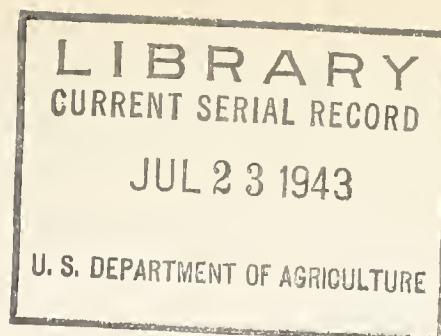
Monthly reports on consumption are required to be filed on Form BM-1 by the 15th of the month following their use of the oil, and quarterly reports—where ac-

ceptance of delivery, use of processing exceeds 3,000 pounds per calendar quarter—are required to be filed on Form BM-2 by the 15th of the second month following the end of the calendar quarter. Wholesale and retail distributors, however, are not required to file these reports.

Suspension of restrictions under the amendment also applies to cacahuananche oil and laceta oil, produced from Mexican tree nuts. Under FDO 31, special authorization was required from the Director of Food Distribution to process, deliver, or use these three oils.



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**FDO 31-1**  
JUNE 30, 1943

## WAR FOOD ADMINISTRATION

[FDO 31-1]

### PART 1460—FATS AND OILS

#### OITICICA OIL

Pursuant to the authority vested in me by Food Distribution Order No. 31, dated March 19, 1943 (3 F.R. 3471), and to effectuate the purposes of such order: *It is hereby ordered*, As follows:

§ 1460.23 *Applications for delivery, acceptance of delivery, use, or processing of oiticica oil.* (a) Every person required by § 1460.6 (e) (1) of Food Distribution Order No. 31 to file War Production Board Form PD-600, shall file, in lieu thereof, three copies of Form FDA-478 ("Consumers' Application for Delivery and Use"). Every person filing such

form shall attach to the three copies thereof one properly prepared copy of Form FDA-477 ("Suppliers' Authorization to Deliver") for each supplier named on Form FDA-478.

(b) Every producer desiring authorization to deliver a specified maximum quantity of oiticica oil in any month, pursuant to the provisions of § 1460.6 (d) of Food Distribution Order No. 31, shall file an application for such authorization on Form FDA-478, on or before the 15th day of the preceding month.

(c) Every producer of oiticica oil required by § 1460.6 (e) (2) of Food Distribution Order No. 31 to file War Production Board Form PD-601 shall file, in lieu thereof, one copy of Form FDA-476.

(d) Reporting requirements of this order have been approved by the Bureau

of the Budget in accordance with the Federal Reports Act of 1942.

(e) All reports required hereunder and all requests for report forms shall, unless otherwise directed, be addressed to: Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington, D. C., Ref: FD-31.

(f) This order shall become effective on the 1st day of July, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 31, 8 F.R. 3471)

Issued this 30th day of June, 1943.

C. W. KITCHEN,  
*Acting Director of Food Distribution.*

Press Release Immediate:  
Thursday, July 1, 1943.

The War Food Administration has issued directives requiring the use of new forms in reporting production and applying for allocations in the various fats and oils programs.

The new forms, Food Distribution Administration forms 476, 477 and 478 replace forms PD 271, 481, 600 and 601, formerly used by the War Production Board, and should be used after July 1 in applying for allocations of all oils and reporting production of oiticica, castor, rapeseed (mustard seed), cashew nut shell liquid, sperm and tung oils, subject to Food Distribution orders No. 31, 32,

35, 36, 37, and 39. Change in forms was necessitated by the transfer of fats and oils functions from WPB to the Food Distribution Administration.

Forms FDA 478, entitled "Consumers' Application for Delivery and Use," replaces the PD-600 for commodities subject to these orders. The new form is different from PD-600 in that Table 1 constitutes application for authority to use and Table 2 constitutes application for authority to accept delivery. In filing FDA 478, the applicant is also required to prepare and file a single copy of form 477, entitled "Suppliers' Authorization to Deliver," for each supplier named on form FDA 478.

In each case in which the application for authority to accept delivery is granted, a copy of form FDA 477 will be sent direct to the supplier. The new forms must be used for filing applications prior to July 15 for August allocations.

Producers who are required to report production and deliveries of oiticica, castor, rapeseed, mustard seed, and tung oils will report on form FDA 476.

Supplies of forms FDA 476, 477, and 478 may be obtained from regional offices of the Food Distribution Administration, in New York, Atlanta, Chicago, Des Moines, Dallas, Denver, and San Francisco.

